

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1008 be amended to read as follows:

- 1 Page 8, line 23, delete "and" and insert ",".
- 2 Page 8, line 23, after "7" insert ", and 10".
- 3 Page 10, line 23, after "6" insert "or 10".
- 4 Page 11, between lines 19 and 20, begin a new paragraph and
- 5 insert:
- 6 **"Sec. 10. If the authority enters into a public-private**
- 7 **agreement under IC 8-15.5 after July 31, 2006, and IC 8-14-17**
- 8 **requires a distribution of part of the compensation received by the**
- 9 **authority or the department under that agreement, the department**
- 10 **shall make the distribution from the fund."**
- 11 Page 15, between lines 35 and 36, begin a new paragraph and
- 12 insert:
- 13 **"SECTION 8. IC 8-14-17 IS ADDED TO THE INDIANA CODE**
- 14 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 15 **UPON PASSAGE]:**
- 16 **Chapter 17. Local Road Funding From Public-Private**
- 17 **Agreements**
- 18 **Sec. 1. This chapter applies to public-private agreements**
- 19 **entered into after July 31, 2006.**
- 20 **Sec. 2. The definitions in IC 36-1-2 apply throughout this**
- 21 **chapter.**
- 22 **Sec. 3. As used in this chapter, "authority" refers to the**
- 23 **Indiana finance authority.**
- 24 **Sec. 4. As used in this chapter, "department" refers to the**
- 25 **Indiana department of transportation.**
- 26 **Sec. 5. As used in this chapter, "project" means:**
- 27 **(1) a highway, road, or bridge;**
- 28 **(2) a limited access facility (as defined in IC 8-23-1-28).**
- 29 **(3) a toll road project (as defined in IC 8-15-2-4(4));**
- 30 **(4) a tollway (as defined in IC 8-15-3-7);**
- 31 **(5) all or part of a bridge, tunnel, overpass, underpass,**

1 interchange, structure, ramp, access road, service road,
2 entrance plaza, approach, tollhouse, utility corridor, toll
3 gantry, rest stop, service area, or administration, storage, or
4 other building or facility that is appurtenant to any of the
5 facilities described in this section; or
6 (6) an improvement, betterment, enlargement, extension, or
7 reconstruction of all or part of any of the facilities described
8 in this section.

9 Sec. 6. As used in this chapter, "public-private agreement"
10 means an agreement under any statute between a private entity
11 and the authority, or between a private entity and the department,
12 that:

- 13 (1) authorizes the private entity, acting on behalf of the
14 authority or the department, to:
15 (A) operate all or part of a project; and
16 (B) collect tolls for the use of all or part of a project; and
17 (2) requires the private entity to compensate the authority or
18 the department.

19 Sec. 7. The authority or the department shall distribute an
20 amount equal to two percent (2%) of the tolls collected for the use
21 of all or part of a project to the treasurer of state for deposit in the
22 motor vehicle highway account established by IC 8-14-1. The
23 agreement must provide for the operator to collect and transfer the
24 amount of the required distribution to the authority or the
25 department and to maintain sufficient records for the authority or
26 department to verify the amount of the tolls collected by the
27 operator.

28 Sec. 8. Notwithstanding IC 8-14-1, the auditor of state shall
29 distribute the amounts deposited in the motor vehicle highway
30 account under this chapter to:

- 31 (1) each county that contains any part of a project that is
32 covered by the public-private agreement; and
33 (2) each city and town located in the counties described in
34 subdivision (1).

35 Sec. 9. The auditor of state shall make the distributions
36 required by section 8 of this chapter in the same proportion among
37 the counties, cities, and towns as funds are distributed from the
38 motor vehicle highway account under IC 8-14-1.

39 Sec. 10. (a) Each county, city, or town that receives a
40 distribution under this chapter shall establish a public-private
41 agreement proceeds fund.

42 (b) The fund consists of money distributed to the county, city,
43 or town under this chapter.

44 (c) The fiscal officer of the county, city, or town shall
45 administer the fund.

46 (d) The fiscal body of the county, city, or town may
47 appropriate money in the fund only for purposes that money
48 distributed from the motor vehicle highway account may be
49 expended under IC 8-14-1. The appropriations of money in the
50 fund must be included as a part of the annual budget for the

- 1 **calendar year in accordance with IC 6-1.1-17.**
2 **(e) Money remaining in the fund at the end of a particular**
3 **calendar year remains in the fund and does not revert to any other**
4 **fund."**
5 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1008 as printed February 24, 2006.)

Senator SIMPSON